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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 DAVID L. REED,

7 Plaintiff,

8 v.

9 NORTH LAS VEGAS POLICE  
10 DEPARTMENT, et al.,

11 Defendants.

Case No. 2:18-cv-01847-APG-DJA

**ORDER**

12 Presently before the court is *pro se* prisoner David L. Reed's Motion for Leave to File  
13 Joinder of Multiple Claims and Defendants (ECF No. 38), filed on November 4, 2020. He also  
14 filed a renewed Motion for Appointment of Counsel (ECF No. 39) on November 6, 2020. To  
15 date, no response has been filed.

16 Plaintiff improperly filed a joinder to request consolidation of three cases in this Court and  
17 addition of seven defendants. The Court will deny his request without prejudice. If he seeks to  
18 consolidate the three cases that he has commenced in this District Court, then he should file a  
19 motion to consolidate with proper points and authorities.

20 As for Plaintiff's Renewed Motion for Appointment of Counsel, civil litigants do not have  
21 a Sixth Amendment right to appointed counsel. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th  
22 Cir. 1981). In very limited circumstances, federal courts are empowered to request an attorney to  
23 represent an indigent civil litigant. For example, courts have discretion, pursuant to 28 U.S.C. §  
24 1915(e)(1), to "request" that an attorney represent indigent civil litigants upon a showing of  
25 "exceptional circumstances." *Ageyman v. Corrections Corp. of America*, 390 F.3d 1101, 1103  
26 (9th Cir. 2004). The circumstances in which a court will make such a request, however, are  
27 exceedingly rare and require a finding of extraordinary circumstances. *United States v. 30.64*  
28 *Acres of Land*, 795 F.2d 796, 799-800 (9th Cir. 1986). The difficulties inherent in proceeding *pro*


1 se do not qualify as exceptional circumstances. *Housewright*, 900 F.2d 1332, 1335-1336 (9th Cir.  
2 1990). Any pro se litigant “would be better served with the assistance of counsel.” *Rand v.*  
3 *Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997) (citing *Wilborn*, 789 F.2d at 1331).

4 To determine whether the “exceptional circumstances” necessary for appointment of  
5 counsel are present, courts evaluate (1) the likelihood of plaintiff’s success on the merits and (2)  
6 the plaintiff’s ability to articulate his claim *pro se* “in light of the complexity of the legal issues  
7 involved.” *Agyeman*, 390 F.3d at 1103 (quoting *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th  
8 Cir. 1986)). Neither of these factors is dispositive and both must be viewed together. *Wilborn*,  
9 789 F.2d at 1331. Here, the Court does not find any exceptional circumstances. Upon review of  
10 Plaintiff’s operative complaint and supporting documents, it is not clear that Plaintiff’s claims are  
11 likely to succeed on the merits. Further, the claims, such as they are, are not complex. Finally,  
12 there has been no change that justifies reconsideration of the Court’s prior Order (ECF No. 14)  
13 denying Plaintiff’s prior request for appointment of counsel. The Court will therefore deny the  
14 motion.

15 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Leave to File Joinder of Multiple  
16 Claims and Defendants (ECF No. 38) **denied without prejudice**.

17 **IT IS FURTHER ORDERED** that Plaintiff’s Motion for Appointment of Counsel (ECF  
18 No. 39) is **denied**.

19  
20 DATED: November 13, 2020

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24 DANIEL J. ALBRECHTS  
25 UNITED STATES MAGISTRATE JUDGE  
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